

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TODD GOLDMAN,

Plaintiff,

– against –

ELI WEISMAN,

Defendant.

ORDER

23-cv-9602 (ER)

Ramos, D.J.:

At the February 13, 2024 status conference, Goldman was directed to file a second amended complaint by February 20, 2024, and the Court set a briefing schedule for Weisman’s motion to dismiss. Feb. 13, 2024 Minute Entry. Goldman filed the amended complaint on February 27, 2024, a week late, and mislabeled it the “third amended complaint. *See* Doc. 14. The Clerk’s Office rejected the complaint as deficient for those reasons.

On March 5, 2024, the Court directed Goldman to properly refile the second amended complaint by March 7, 2024 and set a briefing schedule. Doc. 17.

Goldman filed a document still titled a “third amended complaint” on March 8, 2024. Doc. 18. The Clerk’s Office therefore again rejected the complaint as deficient for being untimely and mislabeled. On March 12, 2024, Goldman attempted to refile the same document without correcting the title or seeking leave of Court for the untimely filing. Doc. 19. The Clerk’s Office therefore again rejected the complaint as deficient.

On March 14, 2024, the Court directed Goldman to properly refile the second amended complaint, titled correctly, by March 18, 2024. Doc. 21. The Court further modified the briefing schedule for the motion to dismiss the second amended complaint: moving papers would be due April 8, 2024; response April 29, 2024; and reply May 6, 2024. *Id.*

On March 20, 2024, two days late, Goldman filed a document titled a second amended complaint, which the Court accepted. Doc. 22.

On March 21, 2024, Weisman submitted a letter motion requesting that the action be dismissed in its entirety based on Goldman's failure to timely and properly file his complaint. Doc. 23. And, on April 3, 2024, Weisman called and emailed the Court "requesting the Court's clarification regarding [which is] the operative complaint and requesting an amended briefing schedule."

Weisman's March 21 application is denied. The parties are directed to submit briefing on the motion to dismiss the second amended complaint (Doc. 22), and the schedule for such briefing is modified as follows: moving papers due April 17, 2024; response May 8, 2024; and reply May 15, 2024

It is SO ORDERED.

Dated: April 3, 2024
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

Edgardo Ramos, U.S.D.J.